

September 11, 2014

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 12

ALL MEMBERS PRESENT.  
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
- a. COMM. 15E-4 (2014)  
**COUNTY EXECUTIVE:** “Department of Environment and Planning - Personnel Adjustment”  
(6-0)
  - b. COMM. 15E-17 (2014)  
**COUNTY EXECUTIVE:** “EC Sewer District No. 3 Engineering Change Order No. 2, GHD Consulting Engineers, LLC”  
(5-1, Legislator Savage voted in the negative.)
  - c. COMM. 15E-18 (2014)  
**COUNTY EXECUTIVE:** “EC Sewer District No. 6 Engineer Term Contract Agreement, CRA Infrastructure & Engineering, Inc”  
(6-0)
  - d. COMM. 15E-19 (2014)  
**COUNTY EXECUTIVE:** “EC Sewer District No. 3 Engineer Term Contract Agreement, CRA Infrastructure & Engineering, Inc”  
(6-0)
  - e. COMM. 17E-5 (2014)  
**COUNTY EXECUTIVE:** “EC Sewer District Nos. 1, 2, 4 & 5 - Engineer Term Contract Agreement - Greenman-Pederson Inc - Work Order GPI-2”  
(6-0)
  - f. COMM. 17E-8 (2014)  
**COUNTY EXECUTIVE:** “EC Sewer District No. 6 - Engineer Term Agreement - DiDonato Associates - Work Order DA-3”  
(6-0)
  - g. COMM. 17E-9 (2014)  
**COUNTY EXECUTIVE:** “EC Sewer District Nos. 1, 2, 4 & 5 - Engineer Term Contract Agreement - Wm Schutt Associates - Work Order WS-2”

(6-0)

- h. COMM. 17E-10 (2014)  
**COUNTY EXECUTIVE:** “EC Sewer District Nos. 3, 6 & 8 - Engineer Term Contract Agreement with DiDonato Associates - Work Order DI-2”  
(6-0)
  - i. COMM. 17M-5 (2014)  
**NYS DEPARTMENT OF AGRICULTURE AND MARKETS:** “Notice to Conduct Review of EC Agricultural District No. 17”  
(6-0)
  - j. COMM. 17M-6 (2014)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** “Fact Sheet for 3021 Orchard Park Road, Orchard Park Site”  
(6-0)
  - k. COMM. 17M-7 (2014)  
**NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION:** “Draft Investigation Work Plan and Public Comment for 193 Ship Canal Parkway, Buffalo Site”  
(6-0)
2. COMM. 15E-16 (2014)  
**COUNTY EXECUTIVE**  
WHEREAS, the Department of Parks, Recreation and Forestry receives numerous requests for bandwagon “fee waivers”; and

WHEREAS, the department cannot possibly honor all requests.

NOW, THEREFORE, BE IT

RESOLVED, that the Legislature of the County of Erie does hereby allow for one (1) “fee waiver” per legislator, as well as the County Executive annually; and be it further

RESOLVED, that the waiver will only be granted to community or non-profit related groups who are hosting events free or open to the public; and be it further

RESOLVED, that the Clerk of the Legislature shall forward certified copies of this Resolution to the County Executive; the Director of the Division of Budget and Management; and Troy P. Schinzel, the Commissioner of the Department of Parks, Recreation and Forestry.

(6-0)

3. COMM. 17E-6 (2014)  
**COUNTY EXECUTIVE**

WHEREAS, the Town of Cheektowaga desires to lease portions of the property that surrounds the Erie County Sewer District No. 1 Overflow Retention Facility (ORF) on Cayuga Creek Road for passive recreation and open space preservation; and

WHEREAS, the Erie County Sewer District No. 1 buffer property of approximately 55 acres has been leased by the Town of Cheektowaga since 1995; and

WHEREAS, Erie County Sewer District No. 1 is agreeable to renewal of the lease.

NOW, THEREFORE, BE IT

RESOLVED, that a five year lease with a five year renewal clause is approved for properties known as SBL Nos. 113.19-2-7, 113.10-2-8, 113.19-2-9, 113.19-2-12, 113.19-2-13.2 and 124.00-5-29, reserving land needed for the ORF, appurtenant sewer lines, utility lines, and sewer outfall lines and possible future ORF expansion; and be it further

RESOLVED, such land shall be leased to the Town of Cheektowaga for an annual rent of \$500.00 plus the cost of any special assessments on the demised parcels; and be it further

RESOLVED, that the County Executive is authorized to sign such Lease Agreement subject to the County Attorney’s approval; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to the County Executive, the Cheektowaga Town Board, the County Comptroller, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution be sent to Joseph L. Fiegl, P.E. in the Department of Environment and Planning.

(6-0)

4. COMM. 17E-7 (2014)  
**COUNTY EXECUTIVE**

WHEREAS, the Town of Clarence has created Town Sewer District No. 10; and

WHEREAS, the County of Erie on behalf of Erie County Sewer District No. 5 has requested modifications to the existing March 29, 2012 service agreement due to said Town Sewer District creation; and

WHEREAS, the billing formula of the original agreement be adjusted to account for Town Sewer District No. 10.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive be, and hereby is, authorized to execute an amendment to the March 29, 2012 service agreement for Erie County Sewer District No. 5, subject to approval as to content by the Commissioner of Environment and Planning and approval as to form by the County Attorney; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, the County Comptroller, the Town of Clarence Supervisor, Kristen Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.

(6-0)

**TED B. MORTON**  
**CHAIR**